



Town of Fairfield

Department of Community and Economic Development
Old Town Hall
611 Old Post Road
Fairfield, Connecticut 06824

February 29, 2016

Dear Members of the Housing Committee:

My name is Mark Barnhart, and it has been my privilege to serve as Fairfield's Director of Community & Economic Development since 2002. While I am unable to appear at today's hearing in person, I am pleased to submit testimony regarding efforts to reform Section 8-30g of the Connecticut General Statutes and in support of HB-5363 in particular.

I work with the Fairfield Affordable Housing Committee to advocate on behalf of affordable housing, and together we have worked diligently to expand affordable housing opportunities in Fairfield. During my tenure, I have been instrumental in the development of several affordable housing projects including the development, with Mutual Housing Association of Southwestern Connecticut, of ten units of elderly housing on a half-acre parcel of town-owned land as well as the purchase acquisition of former military housing and subsequent conversion to provide 22 units of affordable home ownership and eight units of permanent supportive rental housing. I believe that it is imperative that we provide a full range of housing options to meet the diverse housing needs of the people of this State.

That said, I believe that the 8-30g statute is flawed and in serious need of reform. My concerns are as follows:

1. *The "one size fits all", ten-percent goal is unrealistic and unattainable for the vast majority of communities.*

In the twenty-five years since the law was enacted, there has been little to no change in the number of communities that have attained the ten percent goal. Let's look at Fairfield as an example. As of the last census, Fairfield had 21,648 dwelling units, of which 485 units (2.24%) met the State's criteria for affordable housing. In terms of new housing production, Fairfield has averaged less than sixty (60) net new housing units per year over the last decade or so. To reach the ten percent threshold, Fairfield would need to produce or newly deed restrict an additional 1680 units. For Fairfield, like most communities throughout this State, the ten percent goal is neither realistic nor attainable.

2. *Communities should receive proper credit for the affordable housing units that they have developed regardless of when they were placed into service.*

CGS 8-30g does provide temporary relief from unwanted set aside developments in the form of a moratorium, which communities can apply for, provided that they have been able to amass and document housing unit equivalency points (HUEP) equal to the greater of two percent (2%) of all dwelling units or seventy-five (75) HUEP. In the case of Fairfield, a moratorium would require 433 housing unit equivalency points. However, communities can only count affordable units that were constructed or newly deed restricted after 1990. Unfortunately, this threshold date unfairly impacts communities like Fairfield that took an early leadership position in developing affordable housing. Fairfield had developed more than 200 units of affordable housing prior to 1990. The Town first adopted an Affordable Housing Plan in 1989, and worked creatively to address the issue of housing affordability. The Town converted a former school, creating forty units of elderly housing. The Town partnered with several non-profits to create additional affordable housing opportunities, providing tax abatements and/or pre-development financing to facilitate their development. The Town appropriated funds and developed affordable ownership housing on town-owned property adjoining a public park. None of these affordable housing developments—all of which are deed-restricted in perpetuity—count toward the Town's moratorium threshold only because they were built too early. That needs to change.

3. *Towns should not be discouraged from meeting the affordable housing needs of their growing elderly populations.*

People are living longer than at any point in history. Coupled with the advancing retirement age of the baby boom generation, communities need flexibility to respond to the housing needs of their residents, including their elderly populations. While communities should be encouraged and rewarded for developing non-age restricted rental units, efforts to provide additional affordable housing opportunities for our growing elderly populations should not be discouraged either; rather they should awarded one housing unit equivalency point as well. Much has changed since 1990. While there remains a need to develop more housing options for young people and families, the State also needs to be responsive to changing demographics and the housing needs of our elderly residents.

4. *There needs to be better incentives in place to encourage communities to work together and to create affordable housing.*

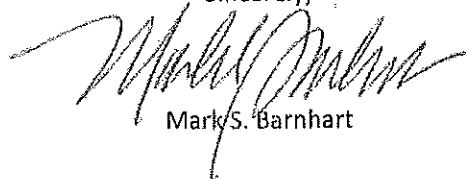
The Home Connecticut legislation was a step in the right direction. It provides communities with technical planning grants and other incentives to create incentive housing zones as an alternative to the oftentimes unwanted and controversial set aside developments frequently proposed pursuant to CGS 8-30g. Fairfield has created an incentive housing zone around its new train station that allows for much greater residential densities and requires that at least ten percent of all housing units be deed restricted as affordable. This past year, the Fairfield Plan & Zoning Commission enacted new zoning regulations that require all projects that result in a net increase of ten (10) or more new dwelling units set aside ten percent (10%) of those units as affordable for households with incomes at or below eighty percent (80%) of the area median income. Fairfield is trying to do its part, but I believe the State would be even more

successful if it were to create better incentives. The Home Connecticut legislation was a good start, but the financial inducements under CGS 8-13 are subject to, and frequently fall victim to, the annual appropriation process, making them less impactful. Why not provide meaningful relief from set-aside developments under CGS 8-30g in exchange for the enactment and production of affordable units in incentive housing zones? And, why not encourage towns and cities to work together to address this issue by establishing regional compacts that would apportion affordable housing units fairly but also in a way that encourages development in areas suitable for such development and discourages greenfield development?

The changes set forth in HB-5363 are quite modest and reasonable; however, I would like to see a slight modification in subsection b(k) to reserve the protections afforded under the affordable housing appeals procedure to set aside developments of four or more units, not four or more affordable dwelling units, as proposed. My concern is that a provision linked to four or more affordable dwelling units may preclude reasonable, small-scale developments that might otherwise be approved. In Fairfield, we have witnessed a set aside application of three units (one affordable) made under the guise of CGS 8-30g, where the intent of the applicant was merely to force the land use boards to approve a second building lot on a parcel that otherwise didn't conform to minimum lot size requirements. In the end, the Zoning Board of Appeals granted the applicants request for a variance, but not before much controversy and neighborhood angst, multiple hearings and costly litigation. The other proposed changes to the calculation of housing unit equivalency points seem very modest and reasonable to me.

There is a need for more affordable housing in many parts of this State. But, CGS 8-30g is flawed and in need of common sense reform. I appreciate the opportunity to provide testimony on this important topic. Thank you, as always, for your consideration.

Sincerely,



Mark S. Barnhart

